

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED
03 MAY 12 PM 2:34
U.S. DISTRICT COURT
TAMPA, FLORIDA

UNITED STATES OF AMERICA

CASE NO: 8:03-Cr-77-T-30TBM

vs.

SAMI AL-ARIAN
_____ /

AFFIDAVIT OF PATRICK D. DOHERTY, ESQUIRE

Before me, personally appeared PATRICK D. DOHERTY, ESQUIRE, who after being duly sworn, deposed and said:

1. I am a member of the Florida Bar and have practiced in Pinellas County, Florida for twenty-nine (29) years;

2. I am employed with the law office of Jeffrey G. Brown, P.A., and am assisting Mr. Brown with his representation of the Defendant, Sami Al-Arian, pursuant to his appointment under the Criminal Justice Act;

3. I have substantial experience in the defense of criminal cases including cases similar in nature and charge to the charges in the above referenced case;

4. Your Affiant accompanied Attorney Jeffrey Brown to see Sami Al-Arian at Coleman U.S.P. on May 8, 2003.

5. The trip took two (2) hours one way, as always, to get to Coleman.

6. Once at Coleman the normal entry procedures were accomplished by 2:00 p.m.

7. It took Affiant and Mr. Brown more than an hour to cover the last seventy-five (75) feet from the entryway to Mr. Al-Arian.

8. Your Affiant was present for the following conversation in which Ms. Potts attempted to explain what must be an extraordinarily slow progress even by Coleman standards:

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Ms. Potts: Did you know that Judge McCoun and I have agreed upon a procedure which must be followed for you to get in to see Mr. Al-Arian?

Mr. Brown: I think we did that.

Ms. Potts: You know, you should have sent a fax before you came.

Mr. Brown: We did send a fax, here it is.

Ms. Potts: Well, we didn't get it.

Mr. Brown: Here is a confirmation which says you did get it.

Ms. Potts: Oh well, did you call? You know you've got to call.

Mr. Brown: We called.

Ms. Potts: Oh, you know, you can't just send a fax. It has to be addressed to me.

Mr. Brown: This is addressed to you.

Ms. Potts: Oh, well. Did your phone call specify that Mr. Al-Arian was a Pre-trial detainee?

Mr. Brown: I don't know. I wasn't present when the call was made.

Ms. Potts: Well, that explains the delay. You need to specify that you are coming to see a Pre-trial detainee.

9. Your Affiant witnessed this dialogue and a further "explanation" which was offered that a door was malfunctioning and was frozen open. Let me repeat – a door was frozen open.

10. Your Affiant witnessed as many as a dozen Coleman employees come and go through the malfunctioning gate. When those employees wanted to leave the facility at the end of their work shift, the malfunctioning door didn't seem to prevent their exit. This is not surprising in view of the fact that it was, after all, open.

11. Your Affiant and Mr. Brown were finally able to see their client at 3:15 p.m.

12. The visit was brought to a close at 4:00 p.m. because it was necessary to do "the count".

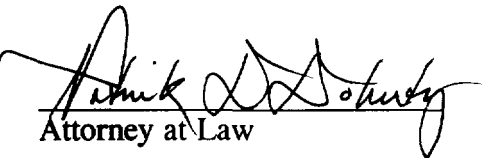
13. Your Affiant, having witnessed the incidents and dialogue outlined above, no longer believes that this was an unintended incident or even a bureaucratic mistake. What Affiant witnessed is a deliberate attempt by employees of the Attorney General to deliver to the prosecution, also employees of the Attorney General, a substantial and unfair advantage by preventing Mr. Al-Arian's counsel from consulting with him and by obstructing his Sixth Amendment Rights.

14. Affiant has had access to Florida Death Row inmates within fifteen (15) minutes of arrival at Florida State Prison.

15. Affiant consulted with Mr. Brown's secretary upon their return and has learned that Mr. Al-Arian had, in fact, been identified as a Pre-trial detainee in her phone call which followed the fax confirmation, which followed the fax.

16. Your Affiant believes that his client, Sami Al-Arian, a Pre-trial detainee, is the only Al-Arian in custody Coleman and that no real basis exists for confusion as to his status as a Pre-trial detainee. Any "confusion" on that subject is merely a pretext through which his rights are continually violated.

Further Affiant sayeth not.


Attorney at Law

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing was acknowledged before me this 9th day of May, 2003, by PATRICK D. DOHERTY, ESQUIRE, who is personally known to me ~~or who has produced~~ _____ as ~~identification~~ and who did take an oath.


NOTARY PUBLIC

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Affidavit of Patrick D. Doherty, Esq.
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JONI S. VIETTO
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